

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Diana Moss
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of implant:

3 New York

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
5 the time of injury:

6 New York

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 New York

9 7. District Court and Division in which venue would be proper absent direct filing:

10 U.S. District Court for the Northern District of New York

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master
18 Complaint:

19 _____
20 _____
21 _____

22 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
23 claim (Check applicable Inferior Vena Cava Filter(s)):

24 ☐ Recovery[®] Vena Cava Filter

25 ☒ G2[®] Vena Cava Filter

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☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implementation as to each product:

3/16/2007

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable New York Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 5th day of January, 2018.

BARON & BUDD, P.C.

By: /s//Matthew Haynie
Matthew Haynie
Laura Baughman
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219
Phone: (214) 521-3605
Facsimile: (214) 520-1181
mhaynie@baronbudd.com
lbaughman@baronbudd.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of January, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Matthew Haynie
Matthew Haynie